

MIDTOWN ALEXANDRIA STATION CONDOMINIUM ASSOCIATION

POLICY RESOLUTION NO. 08-06

(Procedures to Ensure Due Process in Enforcement Cases)

WHEREAS, Article IX, Section 9.1(h) of Bylaws of the Midtown Alexandria Station Condominium Association ("Association") provides that in the event a Unit Owner violates the Association's governing documents, the Board of Directors ("Board") may suspend a Unit Owner's privileges or his or her right to use the Association's recreational facilities, for a reasonable period not to exceed the duration of the violation; and

WHEREAS, Article IX, Section 9.1(g) of the Bylaws authorizes the Board and the Covenants Committee to levy reasonable charges against Unit Owners for violations of the Condominium Act, the condominium instruments or the rules and regulations, by the Unit Owner, the members of the Unit Owner's household, or such Unit Owner's guests, invitees, tenants, agents or employees; and

WHEREAS, Article IX, Section 9.1(g) of the Bylaws states that no charge may be levied for a single violation in an amount more than the lesser of (i) the maximum amount permitted by subsection 55-79.80:2B of the Condominium Act, or (ii) one percent of such unit owner's annual assessment.

WHEREAS, Article III, Section 3.1 of the Bylaws provides the Board of Directors with the power to make and amend any rules and regulations; and

WHEREAS, Section 55-79-80:2 of the Virginia Condominium Act ("Act") provides the Board with the power to suspend a Unit Owner's right to use facilities and services provided directly through the Association for nonpayment of assessments that are more than sixty (60) days past due and to assess charges against any Unit Owner for any violation of the condominium instruments or the Association's rules and regulations for which the Unit Owner or his family members, tenants, guests or other invitees are responsible;

WHEREAS, for the benefit and protection of all Unit Owners, the Board deems it desirable to formally adopt a policy resolution to enable the Association, through its Board or Covenants Committee, to assess monetary charges, suspend privileges, and to establish a procedure for enforcement of the regulations of the Association which are consistent with principles of due process and Virginia law.

NOW THEREFORE, BE IT RESOLVED THAT the Board duly adopts the following due process procedures:

1. On behalf of the Association, the Covenants Committee ("Committee") or the Board of Directors, through the Association's management, may issue a citation to any Unit Owner whose behavior or use of property does not conform to the Association Declaration, Bylaws and Rules and Regulations (collectively "the Governing Documents").

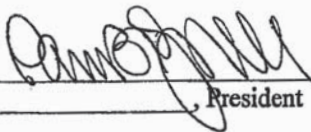
2. The Association shall first, excepting circumstances described in this Paragraph 2 that require immediate action, send a notice of citation in writing and deliver it personally or ordinary first class mail, to the Unit Owner at his/her address listed in the Association's records, and to the property address, if the Unit Owner's listed address is different from the property address. The first notice of citation shall generally advise the Unit Owner of the nature of the offense, cite the specific provision within the Association's regulations which has allegedly been violated, specify the remedy required, and state the number of days within which the Unit Owner must complete corrective action. If the offense is of a nature that cannot be corrected, is not continuing in nature or involves the suspension of privileges for nonpayment of assessments, the Board shall have the right to forego the issuance of a first notice of citation and may proceed immediately with a second notice of citation consistent with the provisions of this paragraph 3, paragraph 4 and paragraph 5.
3. If the Unit Owner does not remedy the offense within the number of days requested in the notice of citation, the Association shall issue a second notice of citation, which follows the basic form of the first notice of citation and include any additional information deemed important by the Association concerning the offense.
4. The second citation shall also advise the Unit Owner of the Association's power to impose monetary charges and to suspend privileges for offenses of the Association's regulations and shall inform the Unit Owner of his/her right to request a hearing before the Committee or the Board as appropriate to contest the citation. The notice of citation shall request the Unit Owner to confirm in writing by a certain date his/her desire for a hearing to contest the citation.
5. The Association shall deliver the second notice of citation by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, to the Unit Owner at his/her address listed in the Association's records, and to the property address, if the Unit Owner's listed address is different from the property address. Notification will be deemed effective if any Unit Owner fails or refuses to sign for any certified mailing from the Association.
6. If the Unit Owner does not remedy the offense within the number of days requested in the second notice of citation, and the Unit Owner has not requested a hearing in writing by or before the hearing confirmation date, the Owner shall be deemed to admit the offenses set forth in the citation.
7. The Association (either the Board or the Covenants Committee) shall conduct a hearing regardless of whether the Unit Owner requests such. The Association shall set the time, date and place of the hearing at its discretion. Written notice of the time, date and place of the hearing shall be mailed to the Unit Owner by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, to the Unit Owner at least fourteen (14) days in advance of the hearing date. At the hearing, the Association shall provide the Unit Owner with a reasonable amount of time to present any and all defenses to the citation. The Unit Owner may have counsel present at the hearing.
8. Following the hearing, the Board or the Committee shall meet privately to discuss whether satisfactory proof of the alleged violation was presented, and if so, whether

monetary charges should be imposed and/or privileges should be suspended. The Board or the Committee shall then hold a vote on whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended. A decision adverse to the Unit Owner shall require a two-thirds vote of the entire membership of the Board or Committee.

9. When the Board or Committee's judgment is unfavorable to the Unit Owner, the Board or Committee may impose monetary charges as an assessment against the Unit Owner's lot or suspend the Unit Owner's privileges. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for a maximum of ninety (90) days for any offense of a continuing nature, although the Association reserves the power to increase these maximum sanctions if the General Assembly enacts legislation in the future that permits the Association to do so. The charge cannot exceed more than one percent (1%) of the Unit Owner's annual assessment. An offense of a continuing nature is defined as a violation of the Association's Governing Documents which, by its nature, remains a violation continuously for more than 24 hours unless corrected by the Unit Owner. The Committee shall treat monetary charges, and any permissible costs and attorneys fees, as an assessment against the Unit Owner's unit.
10. Notice of the decision of the Board or Committee shall be hand delivered or mailed via registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, at their address of record with the Association within seven (7) days of the date of the hearing.
11. The Unit Owner may submit a written request for an appeal to the Board, but must do so within ten (10) days of the date of the notice of the decision. The request should state one of three grounds for the appeal including; 1) Proper procedures were not followed during the administration and hearing process; 2) The Unit Owner and other affected parties at the hearing were not given a fair opportunity to be heard; or 3) The decision was arbitrary or had no rational basis.
12. The Board shall review and act upon any properly submitted request for an appeal. If an appeal requested, the Board shall promptly schedule and conduct an appeal hearing in order to provide the Unit Owner with an opportunity to be heard. The Board may reconsider, review, modify or reverse any prior decision. The Board shall furnish the Unit Owner with a notice of its decision within fifteen (15) days from the date of the hearing.
13. The Association holds Owners legally responsible for ensuring that the residents of their household, and their tenants, guests or invitees comply with the Association's Governing Documents.
14. The procedures outlined in this Resolution may be applied to all violations of the Association's Governing Documents, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's legal documents, including, but not limited to, the initiation of suit or self-help remedies.

The effective date of this Resolution shall be April 21st, 2008.

MIDTOWN ALEXANDRIA STATION
CONDOMINIUM ASSOCIATION

By: , President